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10/020,055	12/07/2001	Antonio Colmenarez	US010546	7472

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EXAMINER

WILLIAMS, LAWRENCE B

ART UNIT	PAPER NUMBER
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2638

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/020,055	Applicant(s) COLMENAREZ ET AL.	
	Examiner Lawrence B. Williams	Art Unit 2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5, 7-18 is/are rejected.
7) ☒ Claim(s) 6, 12 and 19-22 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks/Arguments, filed 17 October 2005, with respect to the rejection(s) of claim(s) 1, 2, 11, 12 under USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gilbert US Patent 6,067,683, Ruppel et al. US Patent 5,737,705, Bullock et al. US Patent 6,778,817 B1 and Mahany et al. US Patent 5,070,536).

Claim Objections

2. Claim 12 is objected to because of the following informalities: The examiner suggests applicant replace the word "from" with "for" in line 2 of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert (US Patent 6,067,583) in view of Ruppel et al. (US Patent 5,737,705).

(1) With regard to claim 1, Gilbert discloses in Fig. 3B, a system for a cordless modem comprising: a base station (Fig. 2E, element 250) comprising means (element 255) for connection with a communication line (col. 5, lines 26-29); a remote unit (Fig. 2C) for connection with an interface of a modem (element 232); said base station including means (Fig. 2E, element 256) for wireless communication with said remote unit (col. 5, lines 29-31); said remote unit comprising means (Fig. 2C, element 233) for wireless communication with at least said base station (col. 4, lines 59-63). Gilbert does not however disclose said base station including means for testing and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said base station and said remote unit.

However, Ruppel et al. discloses in Fig. 9, a base station (931) including means (950) for testing and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between a base station and a remote unit (elements 932-937; col. 7, lines 40-44, 53-60).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Ruppel et al. with the invention of Gilbert as a method of providing the best available channel for data transmission over a wireless network (col. 2, lines 15-57).

(2) With regard to claim 11, Gilbert discloses in Fig. 3B, a method for providing a system for a cordless modem; comprising the steps of: providing a base station (Fig. 2E, element 250) adapted for connection (element 255) with a communication line (col. 5, lines 26-29); providing a remote unit (Fig. 2C) adapted for connection with an interface of a modem (element 232); providing wireless communication between said base station (Fig. 2E, element 256; col. 5, lines

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29-31) and said remote unit (Fig. 2C, element 233; col. 4, lines 59-63). Gilbert does not however disclose testing wireless transmissions between said base station and said remote unit; comparing a received signal strength from the remote unit with the wireless transmissions transmitted by the base station in step (d); repeating steps (d) and (e) for a plurality of channels having a strongest signal strength from among the plurality of channels.

However, Ruppel et al. discloses in Fig. 9, testing wireless transmissions between a base station (931) and said remote unit (932-937); comparing a received signal strength from the remote unit with the wireless transmissions transmitted by the base station in step (d); repeating steps (d) and (e) for a plurality of channels having a strongest signal strength from among the plurality of channels (col. 7, lines 25-67).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Ruppel et al. with the invention of Gilbert as a method of providing the best available channel for data transmission over a wireless network (col. 2, lines 15-57).

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert (US Patent 6,067,583) in view of Ruppel et al. (US Patent 5,737,705) as applied to claim 1 above, and further in view of Mahany et al. (US Patent 5,070,536).

As noted above, Gilbert in combination with Ruppel et al. disclose all limitations of claim 1 above. They do not however explicitly disclose wherein means for testing includes means for comparing levels of test patterns communicated between said base station and said remote unit.

However Mahany et al. teaches a mobile radio data communication system and method wherein he discloses means for testing including means for comparing levels of test patterns

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(Fig(s) 9A, B) communicated between said base station and said remote unit (Fig. 12, element 271; col. 16, lines 54 - col. 17, line 46).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Mahany et al. with the invention of Gilbert in combination with Ruppel et al. as a method of providing a reliable and efficient communications link (col. 3, lines 14-35).

6. Claim 3-5, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert (US Patent 6,067,583) in combination with Ruppel et al. (US Patent 5,737,705) in view of Mahany et al. (US Patent 5,070,536) as applied to claim 2 above, and further in view of Bullock et al. (US Patent 6,778,817 B1).

(1) With regard to claim 3, as noted above, Gilbert in combination with Ruppel et al. in view of Mahany et al. disclose all limitations of claim 2 above. They do not however disclose the system further comprising at least one booster station being in wireless communication with said base station and said remote unit, said booster station including receiving means for receiving information transmitted from said base station and said remote unit and transmitting means for transmitting information to said base station and said remote unit.

However Bullock et al. discloses in Fig. 2, a system for combining a wireless phone jack and RF wireless communications wherein the system comprises at least one booster station (106) being in wireless communication (104) with said base station and said remote unit (109), said booster station including receiving means (105) for receiving information transmitted from said base station and said remote unit (108) and transmitting means (108, 105) for transmitting information to said base station and said remote unit (col. 4, lines 38-47).

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It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Bullock et al. with the invention of Gilbert in combination with Ruppel et al. and Mahany et al. as a method of providing a telephone communication system for the communication of signals using A/C power lines and wireless RF signals (col. 2, line 61 - col. 3, line 12).

(2) With regard to claim 4, claim 4 inherits all limitations of claim 2 above. Furthermore, Bullock et al. also discloses in Fig(s) 2, 3, wherein said base station (104) includes means for connection with a first electrical outlet (105), and said system further comprises at least one booster station (106) being in wireless communication with said remote unit (109), said booster station including means for connection with a second electrical outlet (105, 307), and said base station and said at least one booster station including means for communication over a common electrical wiring system between said first and second electrical outlets (col. 4, lines 30-57).

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Bullock et al. with the invention of Gilbert in combination with Ruppel et al. and Mahany et al. as a method of providing a telephone communication system for the communication of signals using A/C power lines and wireless RF signals (col. 2, line 61 - col. 3, line 12).

(3) With regard to claim 5, claim 5 inherits all limitations of claim 4 above. Furthermore, though neither of the references teach wherein said at least one booster station includes means for testing and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said booster station and said remote unit, and when reception between said at least one booster station and said remote unit is stronger than

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reception between said base station and said remote unit, said base station communicates with said at least one booster station only via the common electrical wiring system, Ruppel et al. discloses a wireless system wherein the base station includes means for testing and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said base station and said remote unit. It would be obvious to one skilled in the art at the time of invention to apply this same method of choosing either another frequency or choosing the use of the wiring system to ensure the best reception for the system (col. 7, lines 25-65).

(4) With regard to claim 8, claim 8 inherits all limitations of claim 3, above. Bullock et al teaches in Fig. 1, a wireless modem jack where the remote is arranged in the case of a computer (It would be obvious that the invention could apply to a portable computer)..It would have been obvious to one skilled in the art at the time of invention to combine the teaching of Bullock et al. with the invention of Gilbert in combination with Ruppel et al. and Mahany et al. as a method of providing a telephone communication system for the to provide a wireless power line carrier communication which provides improved transmitter power output power (col. 2, line 19 - col. 3, line 16).

(5) With regard to claim 9, claim discloses limitations similar to those disclosed in claim8. Therefore a similar rejection applies.

7. Claims 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert (US Patent 6,067,583) in view of Ruppel et al. (US Patent 5,737,705) as applied to claim 1 above, and further in view of Bullock et al. (US Patent 6,107,912).

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With regard to claim 7, claim 7 inherits all limitations of claim 1, above. As noted above, Gilbert in combination with Ruppel et al. disclose all limitations of claim 1 above. They do not however explicitly teach the remote unit is arranged in the case of a portable computer, though both inventions are geared toward telecommunications.

However, Bullock et al teaches in Fig. 1, a wireless modem jack where the remote is arranged in the case of a computer (It would be obvious that the invention could apply to a portable computer). Bullock et al. discloses that alterations, modifications and variations would be apparent to those skilled in the art in light of his description (col. 5, line 41- col. 6, line 7). Applicant claim constitutes a simply variation of Bullock et al.'s disclosure.

It would have been obvious to one skilled in the art at the time of invention to combine the teaching of Bullock et al. with the invention of Okada in combination with Flint et al. to provide a wireless power line carrier communication which provides improved transmitter power output power (col. 2, line 19-col. 3, line 16).

(2) With regard to claim 10, though neither of the inventor discloses a remote unit including an antenna arranged on the case of a portable computer so that it is oriented upward when the computer is open, lap tops with antennae and antennae in general are design is well known in the art and an antenna arranged on the case of a portable computer so that it is oriented upward when the computer is open would be a mere design choice of one skilled in the art.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert (US Patent 6,067,583) in view of Ruppel et al. (US Patent 5,737,705) as applied to claim 11 above, and further in view of Mahany et al. (US Patent 5,070,536).

As noted above, Gilbert in combination with Ruppel et al. disclose all limitations of claim 11 above. They do not however explicitly disclose wherein step (d) comprises generating a test pattern a test pattern for communication between said base station and said remote unit.

However Mahany et al. teaches a mobile radio data communication system and method wherein he discloses means for testing including means for comparing levels of test patterns (Fig(s) 9A, B) communicated between said base station and said remote unit (Fig. 12, element 271; col. 16, lines 54- col. 17, line 46).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Mahany et al. with the invention of Gilbert in combination with Ruppel et al. as a method of providing a reliable and efficient communications link (col. 3, lines 14-35).

9. Claims 13, 15, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert (US Patent 6,067,583) in combination with Ruppel et al. (US Patent 5,737,705) as applied to claim 11 above, and further in view of Bullock et al. (US Patent 6,778,817 B1).

(1) With regard to claim 13, as noted above, Gilbert in combination with Ruppel et al. disclose all limitations of claim 11 above. They do not however disclose the system further comprising at least one booster station being in wireless communication with said base station and said remote unit, said booster station including receiving means for receiving information transmitted from said base station and said remote unit and transmitting means for transmitting information to said base station and said remote unit.

However Bullock et al. discloses in Fig. 2, a system for combining a wireless phone jack and RF wireless communications wherein the system comprises at least one booster station (106)

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being in wireless communication (104) with said base station and said remote unit (109), said booster station including receiving means (105) for receiving information transmitted from said base station and said remote unit (108) and transmitting means (108, 105) for transmitting information to said base station and said remote unit (col. 4, lines 38-47).

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Bullock et al. with the invention of Gilbert in combination with Ruppel et al. as a method of providing a telephone communication system for the communication of signals using A/C power lines and wireless RF signals (col. 2, line 61 - col. 3, line 12).

(2) With regard to claim 15, Bullock et al. also discloses in Fig(s) 2, 3, wherein step (a) includes providing a connection (105) for said base station (104) to an electrical outlet of an electrical system; and step (g) includes providing the at least one booster station (106) with a connection to another electrical outlet (105, 307), of said electrical system; and (h) providing means (Fig. 3) for said base station and the at least one booster station to communicate over the electrical wiring system (col. 4, lines 30-57).

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Bullock et al. with the invention of Gilbert in combination with Ruppel et al. as a method of providing a telephone communication system for the communication of signals using A/C power lines and wireless RF signals (col. 2, line 61 - col. 3, line 12).

(3) With regard to claim 17, Ruppel et al. discloses in Fig. 9, testing wireless transmissions between a base station (931) and a remote unit (932-937); comparing a received signal strength from the remote unit with the wireless transmissions transmitted by the base station in step (d); repeating steps (d) and (e) for a plurality of channels having a strongest signal

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strength from among the plurality of channels (col. 7, lines 25-67). Though Ruppel et al. does not teach explicitly teach the method between a booster station and a remote unit, he does disclose that alterations, modifications and variations would apparent to those skilled in the art in light of his description (col. 5, line 41- col. 6, line 7). Applicant claim constitutes a simply variation of Ruppel et al.'s disclosure.

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Ruppel et al. with the invention of Gilbert as a method of providing the best available channel for data transmission over a wireless network (col. 2, lines 15-57).

10. Claims 14, 16, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert (US Patent 6,067,583) in combination with Ruppel et al. (US Patent 5,737,705) in view of Mahany et al. (US Patent 5,070,536) as applied to claim 12 above, and further in view of Bullock et al. (US Patent 6,778,817 B1).

(1) With regard to claim 14, claim 14 inherits all limitations of claim 12 above. As noted above, Gilbert in combination with Ruppel et al. and Mahany et al. disclose all limitations of claim 12, above. They do not however disclose the method further comprising: providing at least one booster station in wireless communication with said base station and said remote unit, said booster station receiving and re-transmitting communications between said base station and said remote unit.

However, Bullock et al. also discloses in Fig. 2, the method further comprising: providing at least one booster station (106) in wireless communication with said base station

(104) and said remote unit (109), said booster station receiving and re-transmitting communications between said base station and said remote unit (col. 4, lines 38-47).

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Bullock et al. with the invention of Gilbert in combination with Ruppel et al. and Mahany et al. as a method of providing a telephone communication system for the communication of signals using A/C power lines and wireless RF signals (col. 2, line 61 - col. 3, line 12).

(2) With regard to claim 16, Bullock et al. also discloses in Fig(s) 2, 3, wherein step (a) includes providing a connection (105) for said base station (104) to an electrical outlet of an electrical system; and step (g) includes providing the at least one booster station (106) with a connection to another electrical outlet (105, 307), of said electrical system; and (h) providing means (Fig. 3) for said base station and the at least one booster station to communicate over the electrical wiring system (col. 4, lines 30-57).

It would have been obvious to one skilled in the art at the time of invention to combine the teachings of Bullock et al. with the invention of Gilbert in combination with Ruppel et al. as a method of providing a telephone communication system for the communication of signals using A/C power lines and wireless RF signals (col. 2, line 61 - col. 3, line 12).

(3) With regard to claim 18, Ruppel et al. discloses in Fig. 9, testing wireless transmissions between a base station (931) and a remote unit (932-937); comparing a received signal strength from the remote unit with the wireless transmissions transmitted by the base station in step (d); repeating steps (d) and (e) for a plurality of channels having a strongest signal strength from among the plurality of channels (col. 7, lines 25-67). Though Ruppel et al. does not

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teach explicitly teach the method between a booster station and a remote unit, he does disclose that alterations, modifications and variations would apparent to those skilled in the art in light of his description (col. 5, line 41- col. 6, line 7). Applicant claim constitutes a simply variation of Ruppel et al.'s disclosure.

It would have been obvious to one skilled in the art at the time of invention to incorporate the teachings of Ruppel et al. with the invention of Gilbert as a method of providing the best available channel for data transmission over a wireless network (col. 2, lines 15-57).

Allowable Subject Matter

11. Claims 6, 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The instant applicant discloses a system and method for cordless communication between a modem of a computer and a communication line. A search of prior art records has failed to disclose a system “ wherein said base station periodically tests wireless communication with said remote unit and when reception between said base station and said remote unit is stronger than reception between said at least one booster station and said remote unit, said base station stops communicating with said at least one booster station via the common electrical wiring system and wirelessly communicates directly with said remote unit” as disclosed in claim 6. Nor does the prior art teach the method comprising “ when reception between said at least one booster

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station and said remote unit is stronger than reception between said base station and said remote unit, communicating by said base station with the at least one booster station only via the electrical wiring system” or “periodically testing wireless communication with said remote unit and when reception between said base station and said remote unit is stronger than reception between the at least one booster station and said remote unit, said base station stops communicating with the at least one booster station via the common electrical wiring system and communicates directly with said remote unit by wireless communication” as disclosed in claims 19 and 21, respectively.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.) Schaefer et al. discloses in US Patent 6,822,953 B1 Method For Transmitting Radio Signals And Receiver For Receiving Radio Signals.

b.) Berger et al. discloses in US Patent 5,758,263 Selection Of Communication Channel In A Digital Cordless Telephone.

c.) Tokunaga discloses in US Patent 5,111,535 Method And System For Switching Radio Frequency.

d.) Patsiokas et al. discloses in US Patent 5,203,012 Method And Apparatus For Optimum Channel Assignment.

e.) Malhotra et al. discloses in US 2002/0181417 A1 Wireless Lan Dynamic Channel Selection.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 571-272-3037. The examiner can normally be reached on Monday-Friday (8:00-5:00).

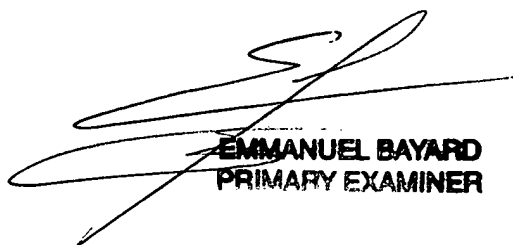
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lawrence B. Williams

lbw
January 5, 2006



EMMANUEL BAYARD
PRIMARY EXAMINER